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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/036,892 | 01/04/2002 | Germain Duquet | | 5171 |

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EXAMINER

PAYER, HWEI SIU CHOU

| | |
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| ART UNIT | PAPER NUMBER |
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3724

DATE MAILED: 02/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,892

Applicant(s)

DUQUET, GERMAIN 

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Numerous Errors in Specification

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

(1) On page 1 (at lines 1-2 and 6-7) and on page 2 (at lines 3-4), "allowing to increase the effectiveness of the woodcutter in modifying the cutter links and some safety links".

(2) On page 1, lines 21-25, "Different chainsaw chains are effective only that when the user pulls down the safety links to increase the speed of the woodcutter, whereas the present invention allows to the chain to cut more rapidly and to be less drawn, and to make safely a deep and narrow woodcutter in modifying the cutter links and some safety links".

(3) On page 1, lines 26-28, "None the chainsaw chains sold at present on the market resolve with effectiveness and simplicity the whole of the problems which usually occur during the woodcutter".

(4) On page 2, lines 5-7, "allows to the chain to cut more rapidly and to be less drawn, and to make safely a deep and narrow woodcutter in modifying the cutter links and some safety links".

Claims Objection

Claims 1-2 are objected to because of the following informalities:

Claim 1 does not comply with MPEP 608.01 (m) Form of Claims. Specifically, each claim should begin with a capital letter and end with a period. Periods may not be used elsewhere in the claims except for abbreviations.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, first paragraph

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(1) It is not understood how the claimed method of producing chainsaw chain increases the effectiveness of the woodcutter in modifying the cutter links and some safety links.

(2) It is not clear what it is meant by "the interior side of the superior part from the rockers". Exactly what is "the superior part", and what does "the rockers" refer to?

(3) It is unclear how the longitudinal furrow and the transversal grooves allow cutting more rapidly the tree branches and decreasing the vibration and requiring less of power-driven.

(4) It is not understood how the superior part allows said cutter links to be less drawn toward the outside, and even so to decrease the vibration, the kickback, the friction of the chain onto the guide bar and increase the speed of the woodcutter.

(5) It is not clear what it is meant by "the fact to level the top of said rockers in keeping the front and back inclination, to have a longitudinal furrow and to put at angle the back side in relation to the lateral side, it allows to make a more deep and narrow woodcutter".

(6) It is not understood what it is meant by "bevelled lateral cutting edge of said rockers, said cutter links having a lateral furrow and the upper cutting edge of said cutter links which is bevelled onto the back side of said upper cutting edge, allow to increase the speed of the woodcutter".

(7) It is not understood what it is meant by "the introduced modification to the superior part from each said safety link and the lowering of said safety links does not

increase the kickback, but improve greatly the speed of the woodcutter; and which each said safety link is parted with a standard safety link".

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) The scope of claims 1-2 is vague and indefinite. While the preamble calls for method of producing chainsaw chain, there are no method steps cited in the claims for producing chainsaw chain. Exactly how is the chainsaw chain produced?

(2) In claim 2, "the woodcutter", "the cutter links", "the superior part", "the rockers", "the transversal grooves", "the tree branches", "said rockers", "the thinning inward", "said cutter links", "the outside", "the guide bar", "the back side", "the lateral side", "The bevelled lateral cutting edge", the upper cutting edge" and "said upper cutting edge" have no antecedent basis.

(2) In claim 2, "the introduced modification", "the superior part" and "said safety link" lack antecedent basis. Also, it is not clear what kind of safety link is "a standard safety link".

Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baranowski et al., Dubler, Doiron, Harfst and Buchholtz et al. are cited as art of interest.

Remarks

Claims 1 and 2 have not been rejected over any prior art since the claimed method of producing chainsaw chain is not understood.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 703-308-1405. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for official communications and 703-746-3293 for proposed amendments.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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Art Unit: 3724

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H Payer
February 12, 2003

H. S. Payer

Hwei-Siu Payer
Primary Examiner